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# HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

## Situation of human rights in Iraq

## Note by the Secretary-General

## Addendum

1. Subsequent to the finalization of his report to the General Assembly at its forty-eighth session, the Special Rapporteur on the situation of human rights in Iraq received a letter dated 4 November 1993 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, transmitting the reply of the Government to the allegations of human rights violations contained in his letter dated 30 September 1993, which was reproduced in his report (A/48/600, para. 8). The letter dated 4 November 1993 from the Permanent Mission of the Republic of Iraq read as follows:

> "While affirming its commitment to the principles of the United Nations and the Universal Declaration of Human Rights and to the promotion of the human rights and fundamental freedoms enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, Iraq finds that the above-mentioned note contains false and unrealistic allegations.
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> "With regard to the allegations concerning the marsh area, Iraq is doing its utmost to meet all the requirements for the security and protection of all its citizens in accordance with its domestic laws and its international obligations in such a way as to safeguard all their civil, political, economic, social and cultural rights in all parts of Iraq. In this connection, Iraq reaffirms that it is merely fulfilling its duty when the competent official Iraqi authorities, acting in accordance with the law and the proper procedures, pursue outlaws, deserters from military service and persons infiltrating across the border with Iran into the marsh area in Iraqi territory where they commit all types of crimes to the detriment of the safety and security of the Iraqi people, thereby making it necessary for the competent Iraqi authorities to fulfil their duty of maintaining security and stability in the area.

"With regard to the allegation concerning the draining of the marshes and the displacement of their inhabitants, Iraq has already clarified this matter and has emphasized that the water in the marshes is fed primarily from the River Euphrates and the notable decline in the volume of that water is attributable to the significantly lower water level in the River Euphrates due to the construction and operation of the Keban and Karakaya dams in Turkey and the Tabqa Dam in Syria and the commencement, since 1990, of operations to fill the giant Atatürk Dam in Turkey. As a result, there has been a very substantial decline in the volume of water feeding into the River Euphrates and the available water resources are insufficient to meet agricultural and non-agricultural needs. The quality of the water has also deteriorated due to an increase in its salinity.

"With a view to ensuring better use of the available water, the competent authorities have made comprehensive plans to manage the water resources in a manner conducive to their optimum exploitation.

"With regard to the allegations concerning arbitrary arrests and detentions which have caused many people to flee in search of safety and for fear of persecution, these assertions, most regrettably, are extremely vague like many of the unfounded allegations that are made against Iraq, for dubious political motives, as a result of incitement or prompting from the Governments of some Western States. No reply can be given to such allegations or assertions unless they are specific and refer to names, dates and substantiating facts that can be checked by the competent authorities. It should be borne in mind that the Government of Iraq has invited numerous parliamentarians and journalists to visit the area and ascertain the true situation. Those who have done so have discovered the spurious nature of those unjust allegations.

"The reiteration of such accusations is merely a further attempt by Van der Stoel, the Netherlands politician, to contribute to the United States-British conspiracy to partition Iraq and use those allegations as a pretext for foreign military intervention in southern Iraq, ostensibly in order to protect human rights, as happened in Iraq's northern governorates of Sulaimaniya, Arbil and Dohuk.

"Being eager to improve the human rights situation throughout its territory, the Government of Iraq feels obliged to refer to the tragic situation in regard to health and the supply of food and medicine due to the ongoing unjust embargo, which constitutes a flagrant violation of the most basic human rights enshrined in international instruments and conventions concerning human rights.

"In this connection, we wish to refer to the special warning No. 237 issued by the joint FAO/WFP mission in document FAO/ESC/No. 4960 of 7 July 1993 entitled 'Mission to assess crop and food assistance to Iraq' (July 1992), which reveals the gravity of the food and health situation in Iraq.

"While expressing its constant willingness to cooperate with human rights bodies on a rational and objective basis, Iraq finds that the accusations contained in the note are merely an attempt to foment a new

crisis to coincide with the work of the forty-eighth session of the General Assembly of the United Nations and the fiftieth session of the Human Rights Commission so that, under cover of this artificial crisis, Western political authorities can conduct an unjust campaign against Iraq and the Iraqi people."

Observations by the Special Rapporteur

2. The Special Rapporteur would like to make the following observations concerning the above reply:

(a) The Government of Iraq continues to insist that the draining of the marshes is "due to the construction and operation of the Keban and Karakaya dams in Turkey and the Tabqa Dam in Syria and the commencement, since 1990, of operations to fill the giant Atatürk Dam in Turkey". As the Special Rapporteur has explained in paragraph 47 of his report, there are several reasons to doubt that the sudden major decline of the water level in the marshes this summer can be attributed solely to the construction of these dams.

(b) The Government of Iraq continues to insist that its activities in the southern marshes are solely directed against criminals. However, the report of the Special Rapporteur provides ample evidence that indiscriminate actions are being undertaken with disastrous consequences for the population as a whole.

(c) The Government of Iraq states that it has invited numerous parliamentarians and journalists to visit the area. If it genuinely wants outside observers to assess the situation, however, it ought not only to take journalists on guided tours, but it also ought to accede to the repeated requests of the Special Rapporteur to be enabled to visit Iraq again in order to study the human rights situation. However, in its communication of 4 November 1993, the Government again avoids a direct reply, but makes instead wild accusations about the involvement of the Special Rapporteur in a conspiracy to partition Iraq.

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